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2/2

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,593	03/29/2001	John Gorczyca	200384.0010 (ITW-12711)	5684
570	7590	01/02/2003		
AKIN GUMP STRAUSS HAUER & FELD L.L.P. ONE COMMERCE SQUARE 2005 MARKET STREET, SUITE 2200 PHILADELPHIA, PA 19103-7013				
		EXAMINER		
		RODRIGUEZ, ISABEL		
ART UNIT	PAPER NUMBER			
2836				
DATE MAILED: 01/02/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/820,593	GORCZYCA ET AL.
	Examiner Isabel Rodriguez	Art Unit 2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 3/29/01.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 March 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 15-16 and 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Le Vantine (US 4,496,375).

a) Regarding claims 1-3, 15-16 and 21-22, Le Vantine discloses an ionizer apparatus and a method of removing ions (Fig. 4) wherein the improvement comprises a filter comprising a metal screen (68) being electrically coupled to ground and positioned over the air inlet.

b) Regarding claims 4-6, Le Vantine discloses a filter comprising a metal screen (69) being electrically coupled to a dc voltage source and positioned over the air inlet.

c) Regarding claims 19-20 and 23-24, Le Vantine discloses the method of removing ions and further discloses the steps of placing a screen metal filter (68) over an interior surface of the air ionizer apparatus around the electrode and coupling the filter to a voltage source.

3. Claims 1, 7-8 and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Larigaldie et al. (US 4,864,459).

Larigaldie et al. discloses an ionizer apparatus and a method of removing ions (Fig. 1) wherein the improvement comprises a filter comprising a metal screen (6) being electrically coupled to ground and positioned over the air outlet.

Art Unit: 2836

4. Claims 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Rump et al. (US 6,375,714)

Regarding claims 9-12, Rump et al. discloses an ionizer apparatus (Fig. 12) wherein the improvement comprises a filter comprising a metal screen (12.3) being electrically coupled to dc feedback voltage (see col. 9 lines 22-24) and positioned over the air outlet and a sensor at the air outlet for sensing ion content. See col. 9 lines 8-10 and col. 2 lines 52-55.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le Vantine in view of Pui et al. (US 5,973,904).

Le Vantine discloses a filter comprising a metal screen (69) being electrically coupled to a dc voltage source and positioned over the air inlet. Le Vantine does not disclose that the electrode is coupled to an ac power source. Pui et al. discloses an air ionizer in which the electrodes are supplied with ac current. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize ac current to apply to the electrodes because this will result with a more uniform charge level on the particles. See col. 10 lines 18-21.

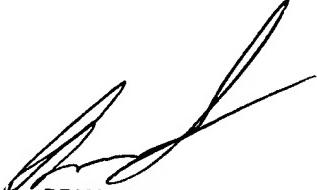
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isabel Rodriguez whose telephone number is 703-305-4761. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 703-308-3119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7724 for regular communications and 703-308-7704 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

IR
December 17, 2002



BRIAN SIRCUS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800